

DOCKET FILE COPY CRIGINAL Consolidated Schools

District 168

21899 S. Torrence Avenue • Sauk Village, Illinois 60411-4497 • 708-758-1610 • FAX 708-758-5929

Dr. Thomas E. RyanSuperintendent of Schools

Mr. George F. Kunkel Associate Superintendent

May 27, 2004

REQUEST OF WAIVER OF RULES

Federal Communications Commission Office of the Secretary 445 12th St. S.W. Washington D. C. 20554 RECEIVED & INSPECTED

JUN 2 2004

FCC - MAILROOM

FCC - CC DOCKET - 02-6

LETTER OF APPEAL – WAIVER OF 60 DAY DEADLINE ON APPEALS FUNDING YEAR 2000 -- FUNDING DENIAL – FRN: 775213 471 APPLICATION NUMBER: 301711

School / Applicant Name:

Community Consolidated School District #168

21899 S. Torrence Ave.

Sauk Village, IL 60411-4405

Phone: (708) 758-1610 Fax: (708) 758-5929

Entity Number:

135510

District Contact: Geor

George Kunkel or Bob Morse

The applicant (District 168) asks for a waiver of the 60 day deadline on appeals, and a re-hearing on the issues cited below. All told, District 168 was denied funding for an internal connections FRN whose discount level was dropped in error by the SLD. We believe we are entitled to a waiver of the rules and a rehearing of these concerns.

District 168 filed its Form 471 (application #301711) for Funding Year 2002 per the directives of the SLD. The application contained both priority 1 and priority 2 services and goods. The funding commitments for the priority 1 services were subsequently funded and approved by the SLD. However, through a series of events outlined below, the lone internal connections funding request FRN# 775213 – Vendor: Tri-Electronics #301711 was not funded (Attachment A). This Letter of Appeal is to notify the SLD of intent to appeal the attached Funding Commitment Decision Letter, dated June 27, 2003.

In short, it was not funded because the SLD reduced the discount level for this FRN from the original 90% discount category (Attachment B) down to at least 80% (to date, we still don't know the actual discount number). Looking back on the events, District 168 was notified on

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It Takes the Whole Community to Educate a Child

11/04/2002 that it was "As Yet Unfunded" (Attachment C), then on 06/27/2003 told it would not be funded due to insufficient Priority 2 funds. During the interim, and per the attachments here, District 168 responded to the SLD's May 3, 2002 inquiry from Arlene Vera (Attachment D) by submitting information (Attachment E) that showed that the school in question -- Wagoner School -- had in fact a 79.2% Free/Reduced lunch population (319 out of 400), entitling them to a 90% discount level. But, without any notice to the District, on June 27, 2003 they were sent an updated Funding Commitment Decision Letter (FCDL) that the FRN was "Not Funded".

District 168 submits here that the decision to lower the discount level was wrong, without merit, and did not allow them the opportunity to appeal in time. District 168 would now like the opportunity to re-state its case to the SLD, and ask that the SLD review the evidence already submitted to review the FRN in question. We believe the original decision to lower the discount rate was arbitrary and did not comport with the evidence submitted with regards to Wagoner school.

Please do not hesitate to call with any questions or concerns.

Sincerely,

George F. Kunkel

Attachments



Universal Service Administrative Company

Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

ATTACHMENT

(Funding Year 2002: 07/01/2002 - 06/30/2003)

4

June 27, 2003

COMMUNITY CONS SCHOOL DIST 168 George Kunkel 1825 215TH PL SAUK VILLAGE, IL 60411-4405

Re: Form 471 Application Number: 301711
Funding Year 2002: 07/01/2002 - 06/30/2003
Billed Entity Number: 135510
Applicant's Form Identifier: d168yr5f471

Thank you for your Funding Year 2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

FILE FORM 486. Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved by an SLD certified Technology Plan Approver. The Form 486 and instructions and the list of SLD certified Technology Plan Approvers can be found on the SLD web site at <www.sl.universalservice.org> or you can call the SLD Client Service Bureau at 1-886-203-8100 and ask that the form be sent to you. The Form 486 dated July 2001 in the lower right corner MUST be used for Funding Year 2002 and for any previous funding years. Submissions of earlier versions of the Form 486 will be returned to you and will not be able to be processed. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can process invoices for services that have been provided to you.

DEADLINE FOR FORM 486. Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If the Form 486 is postmarked after the later of those two dates, the date 120 days before the Form 486 postmark date will become the start date for discounted services. If the service start date is moved, your funding commitment may be reduced. You are advised to keep proof of the date of mailing of your form(s).

Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey, 07981

Visit us online at: www.sl.universalservice.org

ATTAChmentA

FUNDING COMMITMENT REPORT

Form 471 Application Number: 301711
Funding Request Number: 775213 Funding Status: Not Funded
Services Ordered: Internal Connections
SPIN: 143010129 Service Provider Name: Tri-Electronics, Inc.
Contract Number: tri-elec-wagoner
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Site Identifier: 69253
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$20,461.50
Pre-discount Amount: \$20,461.50
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see www.sl.universalservice.org for further details.

FCDL/Schools and Libraries Division/USAC

06/27/2003

IJSAC: Uni

Universal Service Administrative Company

Schools & Libraries Division

FORM 471 RECEIPT ACKNOWLEDGMENT LETTER (Funding Year 5: 07/01/2002 - 06/30/2003)

January 24, 2002

ATTACHMENT

COMMUNITY CONS SCHOOL DIST 168 George Kunkel 1825 215TH PL SAUK VILLAGE, IL 60411-4405

Re: Form 471 Application Number: 301711
Funding Year 5: 07/01/2002 - 06/30/2003
Applicant's Form Identifier: d168yr5f471 Billed Entity Number: 135510

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your FCC Form 471, Services Ordered and Certification Form, reflecting \$48,742.50 in total program year pre-discount costs for services. This letter confirms that the Form 471 and signed Form 471 Certification have been received.

This letter does NOT contain any decisions concerning your requests for discounts. Note, however, the three-week response deadline described below.

Please keep this letter for your records. The Form 471 application number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that the last of your Form 471 application materials identified above was postmarked or received by the SLD on 01/11/2002 and successfully entered into our data system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive a Funding Commitment Decision Letter(s) to inform you of the disposition of your application. Until you receive a Funding Commitment Decision Letter from the SLD, you cannot assume that you will receive the discounts for which you are applying.

Your application will be considered within the application filing window wherein all applications that meet the Minimum Processing Standards are treated as though they were received on the same day.

HOW TO USE THIS 471 RECEIPT ACKNOWLEDGMENT LETTER TO CORRECT INFORMATION ON YOUR FORM 471 (ACT WITHIN 3 WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, these can be corrected using this Form 471 Receipt Acknowledgment Letter. Examples of the errors that can be corrected are:

* Block 1 information (such as contact person or street address);
* Reductions to Block 5 Funding Requests (Reductions to Block 5 Funding Requests are allowable except for those that would increase your discount percentage due to a change in recipients of that Block 5 service.);

* Correction of an incorrect SPIN because of a data entry error or because the company has merged with or been acquired by another company (Requests to change service providers for other reasons cannot be accommodated through the Receipt Acknowledgment Process.);

Attachment B

Funding Request Number: 774601
SPIN: 143001912 Service Provider Name: Ameritech-Illinois (aka Illinois Bell Te Category of Services: Telc Svc(s)
Pre-discount \$ Amount: \$13,630.68
Discount Percentage: 83%

Funding Request Number: 774877

SPIN: 143001912 Service Provider Name: Ameritech-Illinois (aka Illinois Bell Te Category of Services: Telc Svc(s)

Pre-discount \$ Amount: \$8,568.00

Discount Percentage: 83%

Funding Request Number: 774999

SPIN: 143005351 Service Provider Name: Telegration Inc. Category of Services: Intr Con Pre-discount \$ Amount: \$1,363.92

Discount Percentage: 83%

Funding Request Number: 775169
SPIN: 143000196 Service Provider Name: Southwestern Bell Mobile Systems, Inc. Category of Services: Telc Svc(s)
Pre-discount \$ Amount: \$4,718.40
Discount Percentage: 83%

Funding Request Number: 775213
SPIN: 143010129 Service Provider Name: Tri-Electronics, Inc. Category of Services: Intr Con
Pre-discount \$ Amount: \$20,461.50
Discount Percentage: 90%



Universal Service Administrative Company

Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2002: 07/01/2002 - 06/30/2003)

November 4, 2002

ATTACHMENT

COMMUNITY CONS SCHOOL DIST 168 George Kunkel 1825 215TH PL SAUK VILLAGE, IL 60411-4405

Re: Form 471 Application Number: 301711
Funding Year 2002: 07/01/2002 - 06/30/2003
Billed Entity Number: 135510
Applicant's Form Identifier: d168yr5f471

Thank you for your Funding Year 2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

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FUNDING COMMITMENT REPORT

Form 471 Application Number: 301711
Funding Request Number: 775213 Funding Status: As Yet Unfunded
Services Ordered: Internal Connections
SPIN: 143010129 Service Provider Name: Tri-Electronics, Inc.
Contract Number: tri-elec-wagoner
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Site Identifier: 69253
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-Discount Amount:
Discount Percentage Approved by the SLD:
Funding Commitment Decision:

FCDL/Schools and Libraries Division/USAC

Page 7 of 7

11/04/2002

Page: 001-002



Universal Service Administrative Company Schools & Libraries Division

80 South Jefferson Road Whippany, NJ 07981 Fax: 973-599-6513 ATTACHMENT

FAX TRANSMISSION COVER SHEET

To:

GEORGE_KUNKEL

Fax:

17087585929

Subject:

YR5 ERATE APPLICATION #301711, LUNCH DATA

From:

Arleen Vera (PIA Team2)

Date:

May 03, 2002

Time:

11:34:46 AM

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL THE CONTACT SPECIFIED BELOW.

Good morning Mr. Kunkel;

My name is Mrs. Arleen Vera, with the Schools and Library Division.

This is to inform you that in order for me to complete the processing of the above application, i'll need you to fax me the following:

Please be kind and provide me with the lunch data to validate the requested 90% discount for Free/Reduced Lunch for Wagoner Elementary School, only.

If you used a survey to determine eligibility, please provide the following on school letterhead with signature of school official, Principal or Superintendent stating the following:

- (1) Total number of students enrolled
- (2) Total number of forms sent out

Privilege and Confidentiality Notice

The information in this telecopy is intended for the named recipients only. It may contain information that is privileged, confidential or otherwise protected from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied material is strictly prohibited. If you have received the telecopy in error, please notify us by telephone immediately and mail the original to us at the above address. Thank you.

VE 11.00 AM 10: 17007000000 NECA Page: 002-002

(3) Total number of forms returned

(4) Eligibility from total number of forms returned

· (5) Indicate whether this information is kept on file at the school

(6) Provide a copy of completed survey with student name blackened out

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Pg2

Otherwise, you may send me a Reimbursement Claim Form that you sent to the State on a monthly basis.

Your cooperation is appreciated and I look forward to hearing from you as soon as possible.

Please be advised that according to SLD guidelines, you have 7 calendar days to provide the requested information...

Sincerely;

Mrs. Arleen Vera Schools and Library Division Phone 973-884-8373 Fax 973-599-6513

MONTHLY WORKSHEET NATIONAL STATE LUNCH PROGRAM

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www.sl. universalservice org by Friday -

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in consequence	eproved to students enrolled in :	schools this m	iohth.	Free	training sessi	ons for personnel, inci in conducted.	iuding site personnel, v	rith regard to program	n duties and responsible
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Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Waiver Request

May 11, 2004

George F. Kunkel Community Consolidated Schools District 168 21899 S. Torrence Avenue Sauk Village, IL 60411-4497

Re: Your Request for Waiver of the 60-day deadline for appealing an SLD decision. For Program Year 2002-2003

Application Number:

301711

Billed Entity:

135510

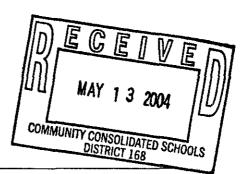
Your Correspondence Dated: 3/2/2004

The Schools and Libraries Division received your request, cited above, for a waiver of the 60-day deadline for appealing a decision of the Schools and Libraries Universal Service Support Mechanism (E-Rate).

Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider requests for waivers.

If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau via e-mail at question@universalservice.org, toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division Universal Service Administrative Company



Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981 Visit us online at: http://www.sl.universalservice.org

702 415 4395